

# **DISCRETIONARY REVIEW** ABBREVIATED ANALYSIS

**HEARING DATE: December 10, 2020** 

**Continued from December 3, 2020** 

Record No.: 2018-009883DRP **Project Address: 573 Diamond Street** Permit Applications: 2019.0829.0257

Zoning: RH-2 [Residential House-Two Family]

40-X Height and Bulk District

Block/Lot: 2803 / 021 **Project Sponsor:** Sven Lavine

> Sven Lavine Architecture 3730 Folsom Street San Francisco, CA 94103

**Staff Contact:** David Winslow - (628) 652-7335

david.winslow@sfgov.org

**Recommendation:** Take DR and Approve with Modifications

# **Project Description**

The project proposes to construct a 445-square-foot 4th-story vertical addition and a horizontal rear addition to the 2nd and 3rd stories. The project would include approximately 8 feet of excavation below ground surface, resulting in 146 cubic yards of soil disturbance to an existing three-story, one-unit residential building.

## **Site Description and Present Use**

The site is a 25' wide x 100'-0" deep steeply lateral and slightly down sloping lot containing an existing 3-story, one-family home. The existing building is a Category 'A' historic resource built in 1906.

# **Surrounding Properties and Neighborhood**

The buildings on this block of Diamond are a consistent pattern of 3-story, gabled-roof houses set back from the street. The mid-block open space is defined by buildings that have a consistent depth.

## **Building Permit Notification**

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
311 Notice	30 days	September 1, 2020 – September 30, 2020	9.21 2020	12.3. 2020 to 12.10.2020	41 days

## **Hearing Notification**

Туре	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	November 13, 2020	November 13, 2020	20 days
Mailed Notice	20 days	November 13, 2020	November 13, 2020	20 days
Online Notice	20 days	November 13, 2020	November 13, 2020	20 days

### **Public Comment**

	Support	Opposed	No Position
Adjacent neighbor(s)	0	1	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	0	0

### **Environmental Review**

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

## **DR Requestors**

Tim Pryor of 569 Diamond, resident of the property to the north of the proposed project.

# **DR Requestor's Concerns and Proposed Alternatives**

Is concerned that the proposed project is not compliant with the Residential Design Guidelines:

"Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space.";



"Articulate the building to minimize impacts on light and privacy to adjacent properties." as the extension of building and decks will impact privacy.

### **Proposed alternatives:**

Restrict project to the current footprint and reduce or remove the decks.

See attached Discretionary Review Application, dated September 21, 2020.

## **Project Sponsor's Response to DR Application**

The proposal is code-complying and has been modified to conform to the Residential Design Guidelines related to the building depth, height and scale at the rear and privacy.

Regarding privacy concerns, we are willing to reduce the extent of the 4th story deck and to add privacy screening at the 3rd story deck to eliminate any sight lines to the windows of 569 Diamond.

See attached Response to Discretionary Review, dated December 2, 2020

## **Department Review**

The Planning Department's review of this proposal confirms support for the massing of this Code-conforming project as it conforms to the Residential Design Guidelines.

Due to the slight up slope of the lot the rear at the first floor is mostly below grade, the second floor is at grade; and the third floor is roughly 10' above grade in relation to the uphill neighbor / DR requester.

The project has been articulated and shaped to preserve light air and access to mid-block open space per RDAT's recommendations in limiting the expansion at the rear to the following:

- 1. Limit the 2nd story addition to no more than 12'-0" from the existing rear wall and provide 5'-0" side setbacks on both sides.
- 2. Limit the 3rd story addition to align with the rear wall of the neighbor to the north and maintain a 5'-0" side setback from the shared property line.

The proposed 4<sup>th</sup> story vertical addition is a setback 15' from the front building wall and extends no further than the adjacent DR requestors rear building wall.

The third-floor rear deck which adjoins a bedroom set back 5' from both property lines and approximately one story above grade at the rear yard. This is a typically appropriate location for a deck.

However, staff deems there are exceptional or extraordinary circumstances present and that minor modifications are appropriate to consider in relation to 4th floor deck – due to its prominence- with respect to privacy issues and recommend reducing it to be no more than a 3' deep step out balcony. Therefore, staff recommends taking Discretionary Review.

**Recommendation:** Take DR and Approve with Modifications



## **Attachments:**

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application
Response to DR Application, dated December 2, 2020
311 plans
3-d diagrams



# **Exhibits**

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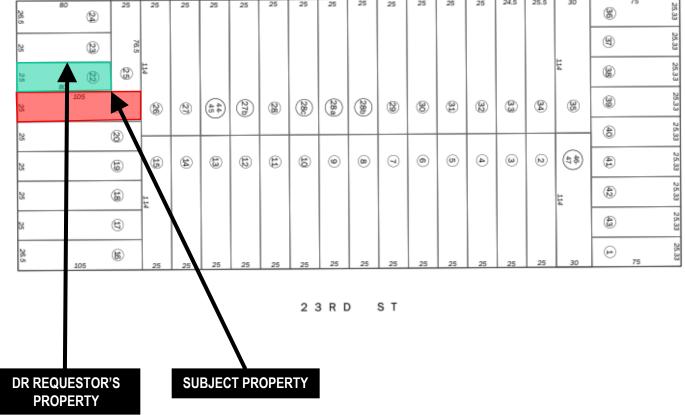
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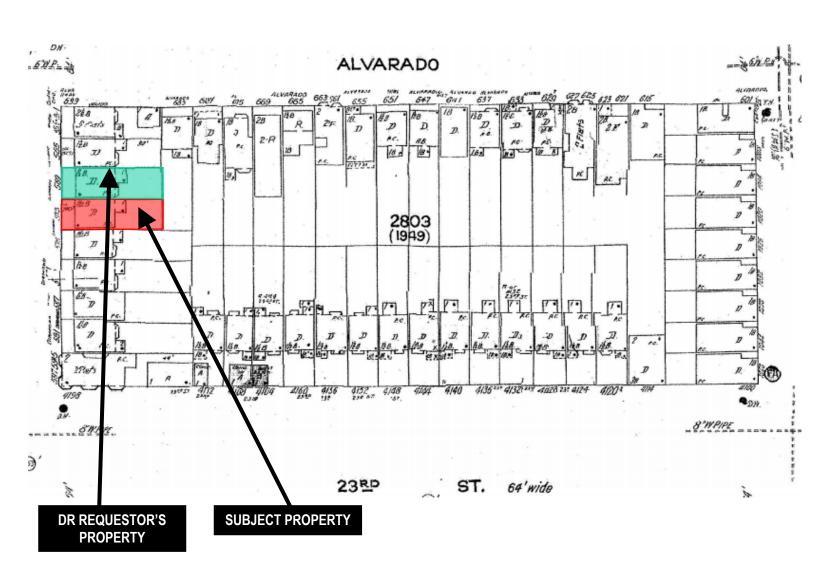
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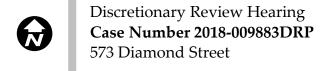




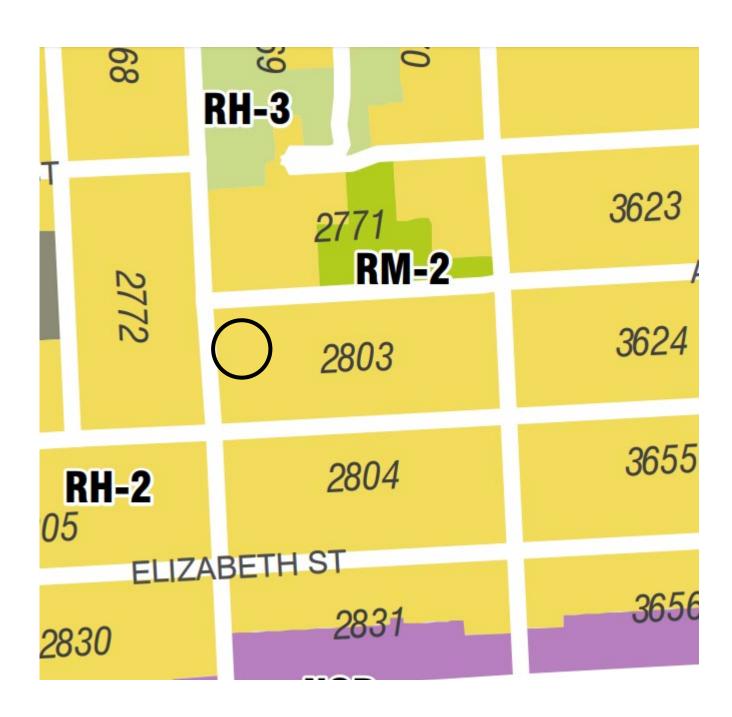
# Sanborn Map\*



<sup>\*</sup>The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



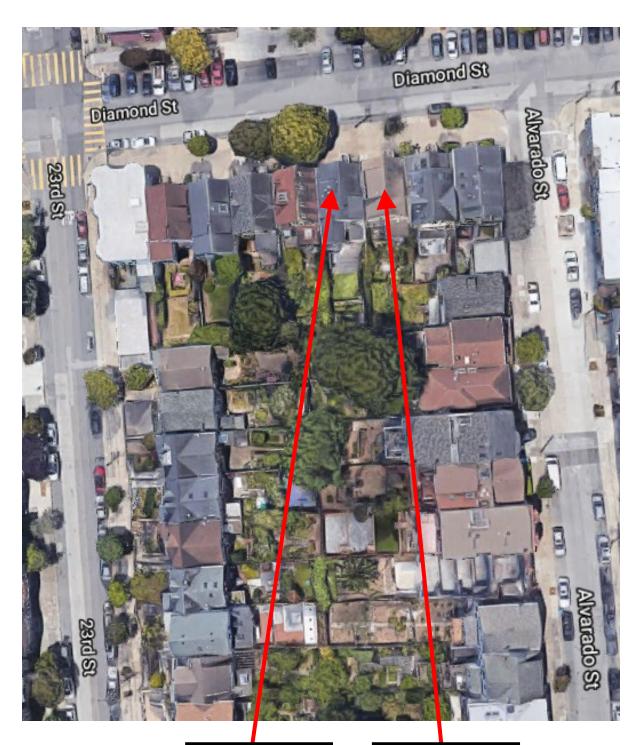
# **Zoning Map**









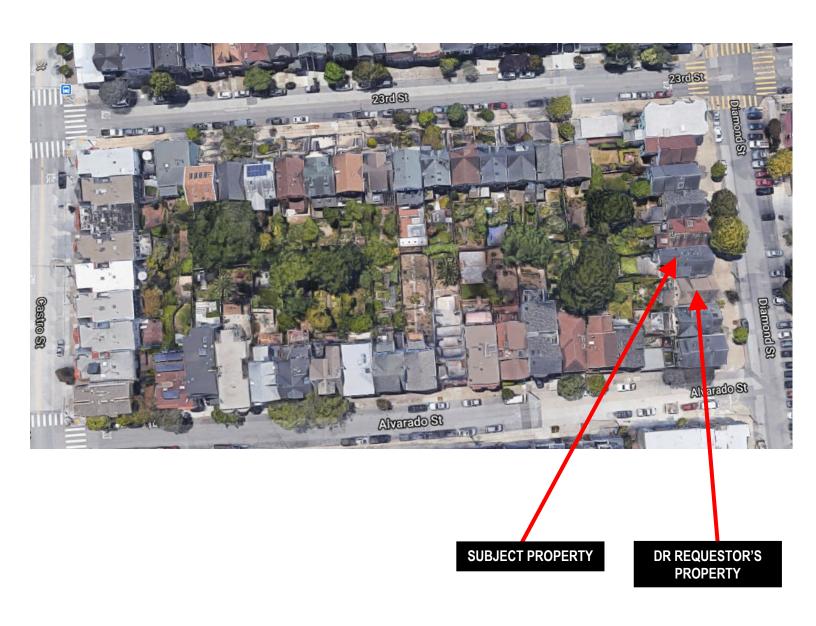


SUBJECT PROPERTY

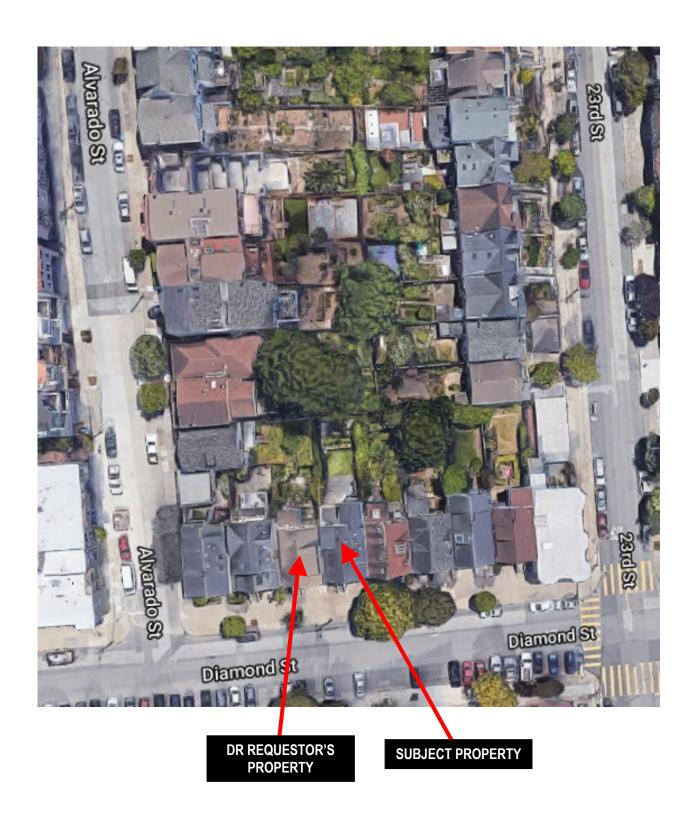
DR REQUESTOR'S PROPERTY



Discretionary Review Hearing Case Number 2018-009883DRP 573 Diamond Street



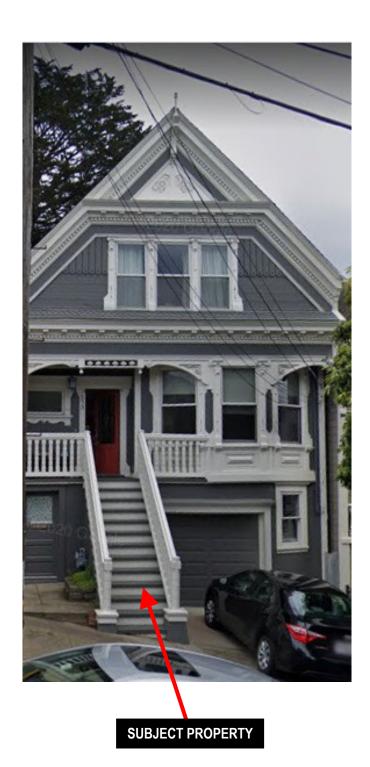






Discretionary Review Hearing Case Number 2018-009883DRP 573 Diamond Street

# **Site Photo**



Discretionary Review Hearing Case Number 2018-009883DRP 573 Diamond Street 1650 Mission Street Suite 400 San Francisco, CA 94103

# NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On August 29, 2019, Building Permit Application No. 2019.0829.0257 was filed for work at the Project Address below.

Notice Date: September 1, 2020 Expiration Date: September 30, 2020

PROJECT INFORMATION		APPLICANT	APPLICANT INFORMATION	
Project Address:	573 DIAMOND ST	Applicant:	Sven Lavine Architecture	
Cross Street(s):	Alvarado and 23rd Streets	Address:	3730 Folsom Street	
Block/Lot No.:	2803 / 021	City, State:	San Francisco, CA 94110	
Zoning District(s):	RH-2 /40-X	Telephone:	(415) 647-7061	
Record Number:	2018-009883PRJ	Email:	sven@slarchitecture.com	

You are receiving this notice as an owner or occupant of property within 150 feet of the proposed project. **You are not required to take any action.** For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
☐ Demolition	□ New Construction	☐ Alteration
☐ Change of Use	☐ Façade Alteration(s)	☐ Front Addition
☑ Rear Addition	☐ Side Addition	☑ Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	10 feet, 6 inches	No Change
Side Setbacks	None	No Change
Building Depth	46 feet, 2 inches	55 feet, 6 inches
Rear Yard	48 feet, 8 inches	39 feet
Building Height	33 feet, 3 inches	37 feet, 4 inches
Number of Stories	3	4
Number of Dwelling Units	1	No Change
Number of Parking Spaces	1	2

### PROJECT DESCRIPTION

The project proposes a 3-story rear addition and a 4th floor vertical addition to an existing single-family home. The vertical addition is setback 15 feet from the front wall and will encumber an existing dormer along the north side entirely and a portion of an existing dormer along the south side. No changes to the front façade or its features are proposed.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

To view plans or related documents, visit sfplanning.org/notices and search the Project Address listed above.

For more information, please contact Planning Department staff:

Jeffrey Horn, 628-652-7366, Jeffrey.Horn@sfgov.org

## **GENERAL INFORMATION ABOUT PROCEDURES**

## **DURING COVID-19 SHELTER-IN-PLACE ORDER**

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice. If you have general questions about the Planning Department's review process, contact the Planning Information Center (PIC) via email at <a href="mailto:pic@sfgov.org">pic@sfgov.org</a>.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.** 

- 1. Contact the project Applicant to get more information and to discuss the project's impact on you.
- 2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at <a href="https://www.communityboards.org">www.communityboards.org</a> for a facilitated. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
- 3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects that conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review ("DR"). If you believe the project warrants Discretionary Review by the Planning Commission, you must file a DR Application prior to the Expiration Date shown on the front of this notice.

To file a DR Application, you must:

- 1. Create an account or be an existing registered user through our Public Portal (https://aca-ccsf.accela.com/ccsf/Default.aspx).
- 2. Complete the Discretionary Review PDF application (<a href="https://sfplanning.org/resource/drp-application">https://sfplanning.org/resource/drp-application</a>) and email the completed PDF application to <a href="mailto:CPC.Intake@sfgov.org">CPC.Intake@sfgov.org</a>. You will receive follow-up instructions via email on how to post payment for the DR Application through our Public Portal.

To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

### **BOARD OF APPEALS**

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. The Board of Appeals is accepting appeals via e-mail. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

**ENVIRONMENTAL REVIEW** This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map at <a href="www.sfplanning.org">www.sfplanning.org</a>. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Board of Supervisors at bos.legislation@sfgov.org, or by calling (415) 554-5184. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

# **CEQA Categorical Exemption Determination**

## PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address			Block/Lot(s)
573 DIAMOND ST			2803021
Case No.			Permit No.
2018-009883ENV			201908290257
■ Ac	ddition/	Demolition (requires HRE for	New
— Al	teration	Category B Building)	Construction
Proje	ct description for	Planning Department approval.	
The project proposes a 445-square-foot 4th-story vertical addition and a horizontal rear addition to the 2nd and 3rd stories. The project would include approximately 8 feet of excavation below ground surface, resulting in 146 cubic yards of soil disturbance.			
The p	P 1: EXEMPTIO project has been d CEQA).	ON CLASS letermined to be categorically exempt under the	California Environmental Quality
	Class 1 - Existin	g Facilities. Interior and exterior alterations; addit	ions under 10,000 sq. ft.
	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.		
	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:  (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.  (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.  (c) The project site has no value as habitat for endangered rare or threatened species.  (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.  (e) The site can be adequately served by all required utilities and public services.  FOR ENVIRONMENTAL PLANNING USE ONLY		
	Class		

### **STEP 2: CEQA IMPACTS**

### TO BE COMPLETED BY PROJECT PLANNER

	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)			
	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?  Note that a categorical exemption shall not be issued for a project located on the Cortese List if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).			
	<b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?			
	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)			
	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.			
	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.			
	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.			
	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.			
Com	Comments and Planner Signature (optional): Sally Morgan			
Archaeological review conducted 12/24/19. No effect				
Peter	Peter & Ross Geotechnical Consultants, Feb. 2019			

# STEP 3: PROPERTY STATUS - HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map) Category A: Known Historical Resource. GO TO STEP 5. Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4. Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6. STEP 4: PROPOSED WORK CHECKLIST TO BE COMPLETED BY PROJECT PLANNER Check all that apply to the project. 1. Change of use and new construction. Tenant improvements not included. 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. 3. Window replacement that meets the Department's Window Replacement Standards. Does not include storefront window alterations. 4. Garage work. A new opening that meets the Guidelines for Adding Garages and Curb Cuts, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. 7. Dormer installation that meets the requirements for exemption from public notification under Zoning Administrator Bulletin No. 3: Dormer Windows. 8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features. Note: Project Planner must check box below before proceeding. Project is not listed. GO TO STEP 5. Project does not conform to the scopes of work. GO TO STEP 5. Project involves four or more work descriptions. GO TO STEP 5. Project involves less than four work descriptions. GO TO STEP 6. STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PROJECT PLANNER

	TO BE COMM ELTER BY I NOVEOU FEMALEY			
Chec	Check all that apply to the project.			
	Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.			
	2. Interior alterations to publicly accessible spaces.			
	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.			
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.			
	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.			
	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.			

	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .				
	8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):				
	Project will not cause an impact to the Diamond & Elizabeth Historic District. Addition is minimally visible and set back from the front. No changes to existing front façade or its features. Refer to HRER Part II signed on 6/17/ 2020				
	9. Other work that would not materially impair a historic district (specify or add comments):				
	(Requires approval by Senior Preservation Planner/Preservation Coordinator)				
	10. <b>Reclassification of property status</b> . (Requires approval by Senior Preservation Planner/Preservation				
	☐ Reclassify to Category A ☐ Reclassify to Category C				
	a. Per HRER or PTR dated 06/17/2020 (attach HRER or PTR)				
	b. Other (specify):				
	Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.				
	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.				
Comm	ents ( <i>optional</i> ):				
Preser	vation Planner Signature: Stephanie Cisneros				
	STEP 6: CATEGORICAL EXEMPTION DETERMINATION TO BE COMPLETED BY PROJECT PLANNER				
	No further environmental review is required. The project is categorically exempt under CEQA.  There are no unusual circumstances that would result in a reasonable possibility of a significant effect.				
	Project Approval Action: Signature:				
	Variance Hearing Stephanie Cisneros				
	06/18/2020				
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code.  In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be				

Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.

filed within 30 days of the project receiving the approval action.

### STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

#### TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

### **MODIFIED PROJECT DESCRIPTION**

Modi	fied Project Description:				
DE	TERMINATION IF PROJECT (	CONSTITUTES SUBSTANTIAL MODIFICATION			
Com	pared to the approved project, w	ould the modified project:			
	Result in expansion of the buil	ding envelope, as defined in the Planning Code;			
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;				
	Result in demolition as defined	d under Planning Code Section 317 or 19005(f)?			
	•	nted that was not known and could not have been known			
	at the time of the original deter no longer qualify for the exemp	mination, that shows the originally approved project may otion?			
If at I	east one of the above boxes is	checked, further environmental review is required.			
DET	ERMINATION OF NO SUBSTA	NTIAL MODIFICATION			
	The proposed modification wo	uld not result in any of the above changes.			
	If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project				
approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance					
with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.					
Plan	ner Name:	Date:			



# SAN FRANCISCO PLANNING DEPARTMENT

# **Historic Resource Evaluation Response**

Record No.: 2018-009883ENV
Project Address: 573 DIAMOND ST

Zoning: RH-2 RESIDENTIAL- HOUSE, TWO FAMILY Zoning District

40-X Height and Bulk District

*Block/Lot:* 2803/021

Staff Contact: Stephanie Cisneros - 415-575-9186

Stephanie.Cisneros@sfgov.org

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception:

415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

### **PART II: PROJECT EVALUATION**

Proposed Project:	☐ Demolition / New Construction		
Per Drawings Dated:	August 29, 2019; revised A	April 22, 2020	

### PROJECT DESCRIPTION

The project includes a 4<sup>th</sup> floor vertical addition that will be set back 15 feet from the front. The addition will encumber an existing dormer along the north side entirely and a portion of an existing dormer along the south side. The addition will include a sloped roof, one punched double-hung wood front-facing window, and 7-inch horizontal wood siding and wood trim to be in keeping with the existing siding and trim of the existing portion of the dormer that is to remain. No changes to the front façade or its features are proposed.

The subject property is located within the boundaries of the Diamond & Elizabeth Streets historic district, previously identified by the Planning Department as part of a reconnaissance survey of Noe Valley and was built within the district's period of significance (1875 – 1915). The subject property is eligible for listing in the California Register under Criterion 3 for Architecture as a contributor to an eligible historic district.

### DISTRICT COMPATIBILTY ANALYSIS

### The proposed project's conformance with the District's Character-Defining Features:

The proposed project, as revised on April 22, 2020, retains the building's residential use, preserves character-defining features such as wood siding and architectural details on the front façade, and expands the building through secondary horizontal rear and a vertical addition that conform to the Secretary of the Interior's Standards for Rehabilitation. The proposed vertical addition is set back approximately 15 feet from the front and will have a sloped roof to minimize visibility and preserve the original massing of the building's primary façade. The vertical addition will be simple in form and detailing to read as a later alteration that is deferential to the historic building. The use of wood siding, windows and trim on the publicly visible portions of the addition is in keeping with the historic building materials.

### PROJECT DETERMINATION

Based on the Historic Resource Evaluation in Part I, the project's scope of work:

## Historic Resource Evaluation Response, Part II

Southwest Team, Current Planning Division

Record No. 2018-009883ENV 573 DIAMOND ST

	573 DIAMOND ST
<ul> <li>Will cause a significant adverse impact to the <u>individual historic resource</u></li> <li>Will cause a significant adverse impact to a <u>historic district / context</u> as presented in the <u>individual historic resource</u></li> </ul>	
<ul> <li>Will not cause a significant adverse impact to the individual historic reso</li> <li>Will not cause a significant adverse impact to a historic district / context and a historic district / cont</li></ul>	
<b>PROJECT IMPACT ANALYSIS</b> The proposed project includes rear horizontal additions that will not be visible and a 4 <sup>th</sup> floor vertical addition set back 15 feet from the front. None of the buil features at the primary façade will be removed or otherwise modified. The ver materials that are consistent and compatible with the character-defining feat project will not cause a significant adverse impact to the contributor to the D historic district.	ding's existing architectural tical addition will be clad in ures. Overall, the proposed
Signature:  Allison Vanderslice, Principal Preservation Planner CEQA Cultural Resources Team Manager, Environmental Planning Division	Date: <u>6/17/2020</u>
<b>CC:</b> Jeff Horn, Senior Planner	

SAN FRANCISCO
PLANNING DEPARTMENT



# SAN FRANCISCO PLANNING DEPARTMENT

# **Historic Resource Evaluation Response**

Record No.: 2018-009883ENV
Project Address: 573 DIAMOND ST

Zoning: RH-2 RESIDENTIAL- HOUSE, TWO FAMILY Zoning District

40-X Height and Bulk District

*Block/Lot:* 2803/021

Staff Contact: Stephanie Cisneros - 415-575-9186

Stephanie.Cisneros@sfgov.org

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception:

415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

### **PART II: PROJECT EVALUATION**

Proposed Project:	☐ Demolition / New Construction		
Per Drawings Dated:	August 29, 2019; revised A	April 22, 2020	

### PROJECT DESCRIPTION

The project includes a 4<sup>th</sup> floor vertical addition that will be set back 15 feet from the front. The addition will encumber an existing dormer along the north side entirely and a portion of an existing dormer along the south side. The addition will include a sloped roof, one punched double-hung wood front-facing window, and 7-inch horizontal wood siding and wood trim to be in keeping with the existing siding and trim of the existing portion of the dormer that is to remain. No changes to the front façade or its features are proposed.

The subject property is located within the boundaries of the Diamond & Elizabeth Streets historic district, previously identified by the Planning Department as part of a reconnaissance survey of Noe Valley and was built within the district's period of significance (1875 – 1915). The subject property is eligible for listing in the California Register under Criterion 3 for Architecture as a contributor to an eligible historic district.

### DISTRICT COMPATIBILTY ANALYSIS

### The proposed project's conformance with the District's Character-Defining Features:

The proposed project, as revised on April 22, 2020, retains the building's residential use, preserves character-defining features such as wood siding and architectural details on the front façade, and expands the building through secondary horizontal rear and a vertical addition that conform to the Secretary of the Interior's Standards for Rehabilitation. The proposed vertical addition is set back approximately 15 feet from the front and will have a sloped roof to minimize visibility and preserve the original massing of the building's primary façade. The vertical addition will be simple in form and detailing to read as a later alteration that is deferential to the historic building. The use of wood siding, windows and trim on the publicly visible portions of the addition is in keeping with the historic building materials.

### PROJECT DETERMINATION

Based on the Historic Resource Evaluation in Part I, the project's scope of work:

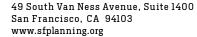
## Historic Resource Evaluation Response, Part II

Southwest Team, Current Planning Division

Record No. 2018-009883ENV 573 DIAMOND ST

	573 DIAMOND ST
<ul> <li>Will cause a significant adverse impact to the <u>individual historic resource</u></li> <li>Will cause a significant adverse impact to a <u>historic district / context</u> as presented in the <u>individual historic resource</u></li> </ul>	
<ul> <li>Will not cause a significant adverse impact to the individual historic reso</li> <li>Will not cause a significant adverse impact to a historic district / context and a historic district / cont</li></ul>	
<b>PROJECT IMPACT ANALYSIS</b> The proposed project includes rear horizontal additions that will not be visible and a 4 <sup>th</sup> floor vertical addition set back 15 feet from the front. None of the buil features at the primary façade will be removed or otherwise modified. The ver materials that are consistent and compatible with the character-defining feat project will not cause a significant adverse impact to the contributor to the D historic district.	ding's existing architectural tical addition will be clad in ures. Overall, the proposed
PART II: PRINCIPAL PRESERVATION PLANNER REVIEW  Signature: Allison Vanderslice, Principal Preservation Planner  CEQA Cultural Resources Team Manager, Environmental Planning Division	Date: <u>6/17/2020</u>
<b>CC:</b> Jeff Horn, Senior Planner	

SAN FRANCISCO
PLANNING DEPARTMENT





# **DISCRETIONARY REVIEW PUBLIC (DRP)**

### APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, you can call the Planning counter at 628.652.7300 or email <u>pic@sfgov.org</u> where planners are able to assist you.

Please read the <u>Discretionary Review Informational Packet</u> carefully before the application form is completed.

### WHAT TO SUBMIT:

materials (optional).

□ Two (2) complete applications signed.
 □ A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
 ☑ Photographs or plans that illustrate your concerns.
 □ Related covenants or deed restrictions (if any).

☐ A digital copy (CD or USB drive) of the above

☐ Payment via check, money order or debit/credit for the total fee amount for this application. (See\_Fee Schedule).

### **HOW TO SUBMIT:**

To file your Discretionary Review Public application, please email the completed application to cpc.intake@sfgov.org.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文:如果您希望獲得使用中文填寫這份申請表的幫助,請致電628.652.7550。請注意,規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



# DISCRETIONARY REVIEW PUBLIC (DRP)

### **APPLICATION**

## **Discretionary Review Requestor's Information**

Name: Tim Pryor			
	569 Diamond St., San Francisco, CA 94114	Email Address: tppryor@sbcglobal.net	
Address:		Telephone: 415 648-5167	

### Information on the Owner of the Property Being Developed

Dubey residence, Sven Lavine Architecture; applicant

Company/Organization:

573 Diamond St.,San Francisco, CA 94114

Address:

Email Address: sven@slarchitecture.com

Telephone: (415) 647-7061

## **Property Information and Related Applications**

Project Address: 573 Diamond St., San Francisco, CA 94114

Block/Lot(s): 2803/021

Building Permit Application No(s): 2019.0829.0257

## **ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST**

ᆀ	

Changes Made to the Project as a Result of Mediation.

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes that were made to the proposed project.

Planner's told us to try mediation and then pay for a DR. The owners of 573 Diamond reside out-of-state and we do not have contact information. We spoke with a representative of Community Boards but due to the filing deadline of September 30th, there is no practical way of scheduling a mediation and still have time to file a DR.

### **DISCRETIONARY REVIEW REQUEST**

In the space below and on seperate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

Residential Design Guidelines: "Scale of the building to be compatible with the height & depth of surrounding buildings". "Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space."

Planning Code Sec 101. Purposes; "provide adequate light, air, privacy"

The Residential Design Guidelines assume some impacts to be reasonable and expected as part of
construction. Please explain how this project would cause unreasonable impacts. If you believe your
property, the property of others or the neighborhood would be unreasonably affected, please state who would
be affected, and how.

The proposed addition to 573 Diamond will extend substantially farther east, making it grossly out of scale with the rest of the block, destroying the existing mid-block open space. This will cut off light/air to over half of the garden of 569 Diamond, lowering the property's value. The proposed 3 large decks will have direct views into all rear windows 565, 569, 575 & 579 Diamond, also lowering the value of these properties. 579 can only go back an additional 3' due precedent set at 565, so it will always be in a dark tunnel. The proposed addition will have direct views into bedroom & bathroom skylights of 575. The addition leaves the bathroom window of 569 in a light well, limiting ventilation.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Reduce the proposed addition to stay with-in the current footprint which was created by the current owners during a 2010 addition. This will maintain the current mid-block open space. Reduce/remove the large decks to provide some level of privacy to the neighbor's properties.

# **DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT**

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.

Timothy Pryor

Digitally signed by Timothy Pryor

Date: 2020.09.21 10:25:35 -07'00'

Timothy Pryor

Signature Name (Printed)

tppryor@sbcglobal.net

Relationship to Requestor

Phone

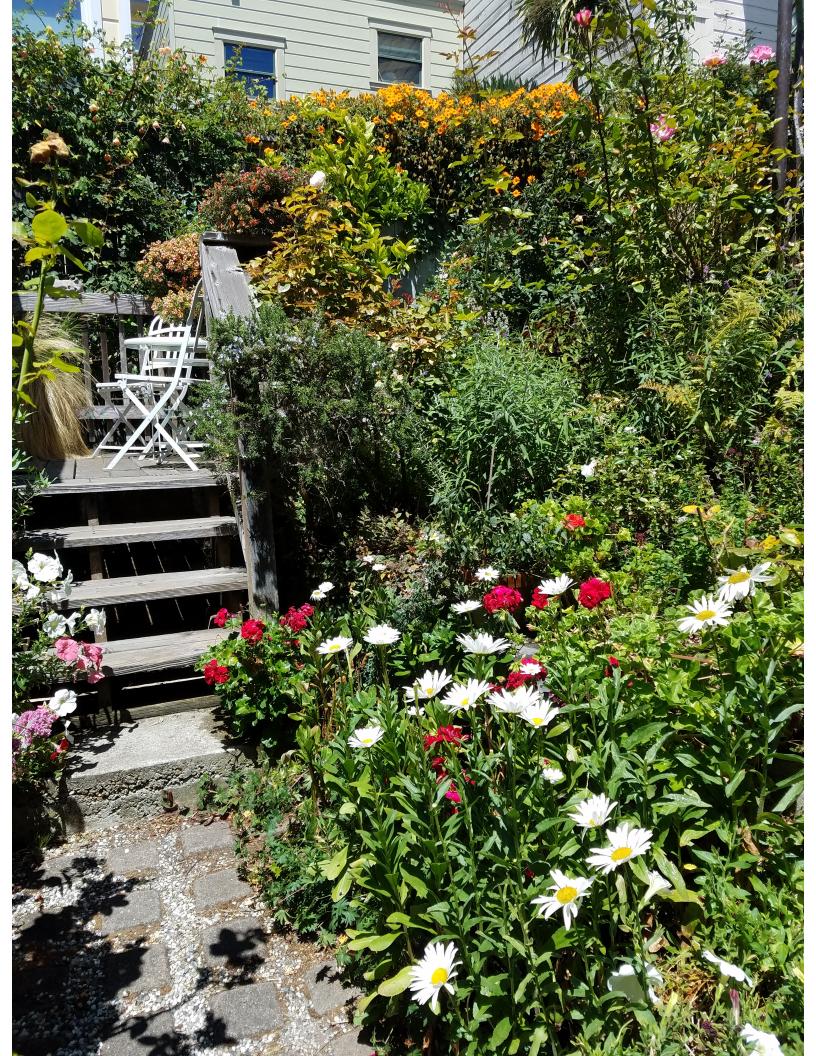
tppryor@sbcglobal.net

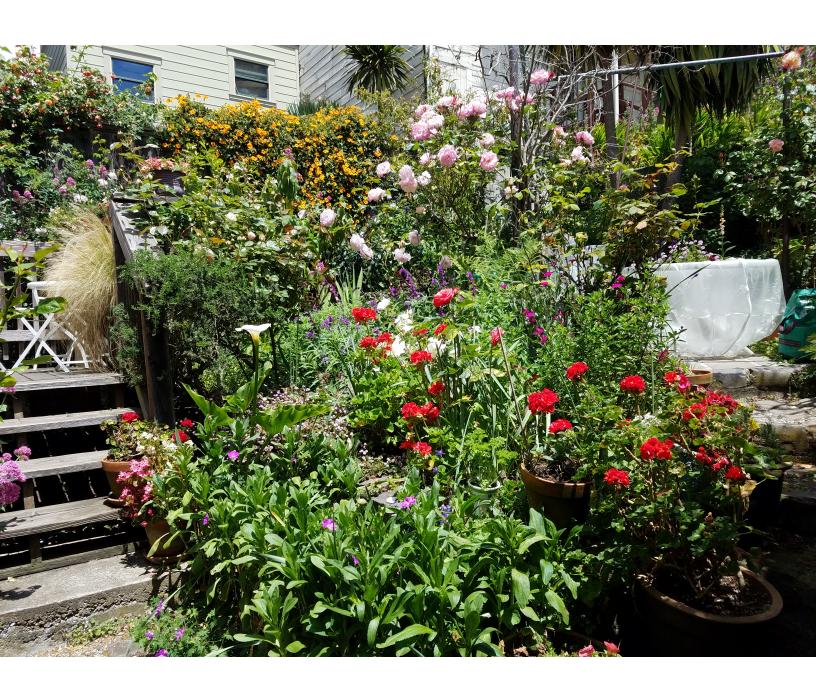
Email

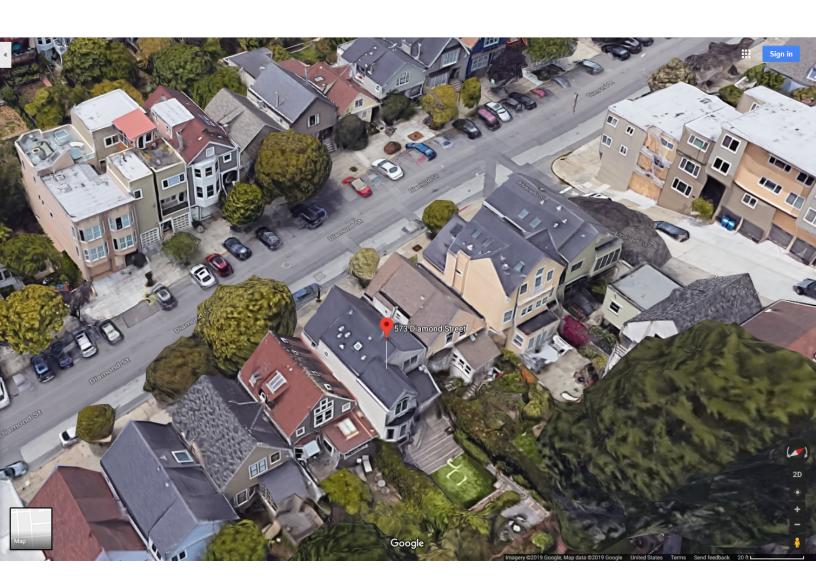
Relationship to Requestor (i.e. Attorney, Architect, etc.)

For Department Use Only
Application received by Planning Department:

By: \_\_\_\_\_\_ Date: \_\_\_\_\_







579 Diamond St. San Francisco, CA 94114 September 21, 2020

San Francisco Planning Department Jeffrey Horn Jeffrey Horn@sfgov.org

Re: 573 Diamond St.

Dear Mr. Horn.

We have recently become aware that there is a planning application for 573 Diamond Street and that the owners want to build a substantial addition to their house, adding a fourth floor, extending farther into the backyard, and excavating into bedrock.

My wife Barbara and I purchased 579 Diamond Street in 1960 and moved in two years later. We have been happy since then with our neighbors. We object to the project proposed for 573 Diamond.

Please include our comments as part of the Discretionary Review that has been filed:

- The project adds three balconies, on floors two, three, and on the new floor four. All of these have direct site lines into our backyard and home, creating privacy issues.
- The project extends several feet into the backyard. This lot is longer than ours and so, requires no variance for the extension. However, should we or our other neighbors with shorter lots wish to extend our houses equally, to regain our privacy and light, we would have to apply for a variance. Extending back so far into the yard is the beginning of a bad precedent and will gobble up green and open space that cannot be replaced.
- Most importantly, we are very concerned about damage to our property from water and erosion. The excavation into bedrock, the removal of many cubic feet of soil, and the removal of retaining walls puts the downhill properties at risk for landslides and weakened foundations. We have dealt with water running downhill on to our property for years, which we think is due to underground springs. This project could exacerbate both of these problems. And it is possible that we would not know the effects for years.

We have seen many changes to our Diamond Street block since 1960, many of which have improved the neighborhood. We did not oppose these projects, as, for the most part, they did not extend too far into the backyard, did not invade our privacy, did not cut off our light, and most importantly, did not threaten our retaining walls and foundations or hit underground springs and cause water damage. However, this project has the potential to do all these things, and we request that these issues be resolved before the project is approved.

Thank you

Barbara and Leslie Hack

an Hack

579 Diamond St.

San Francisco, CA 94114



# **RESPONSE TO DISCRETIONARY REVIEW**

Pro	operty Address:	Zip Code:
Bu	uilding Permit Application(s):	
Re	ecord Number:	Discretionary Review Coordinator:
Pr	roject Sponsor	
Na	ame:	Phone:
En	nail:	
Re	equired Questions	
1.		er and other concerned parties, why do you feel your proposed project should the issues of concern to the DR requester, please meet the DR requester in addition n.)
2.	requester and other concerned parties?	osed project are you willing to make in order to address the concerns of the DR If you have already changed the project to meet neighborhood concerns, please ther they were made before or after filing your application with the City.
3.	would not have any adverse effect on the	osed project or pursue other alternatives, please state why you feel that your project e surrounding properties. Include an explaination of your needs for space or other from making the changes requested by the DR requester.

## **Project Features**

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.** 

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)		
Occupied Stories (all levels with habitable rooms)		
Basement Levels (may include garage or windowless storage rooms)		
Parking Spaces (Off-Street)		
Bedrooms		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

Signature:	122	Date:
Printed Name:		☐ Property Owner ☐ Authorized Agent

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

# SVEN LAVINE ARCHITECTURE

3730 Folsom Street | San Francisco, CA | 94110 | Tel:415.647.7061 | Fax:415.276.1769 | www.slarchitecture.com

Date: Dec 2, 2020

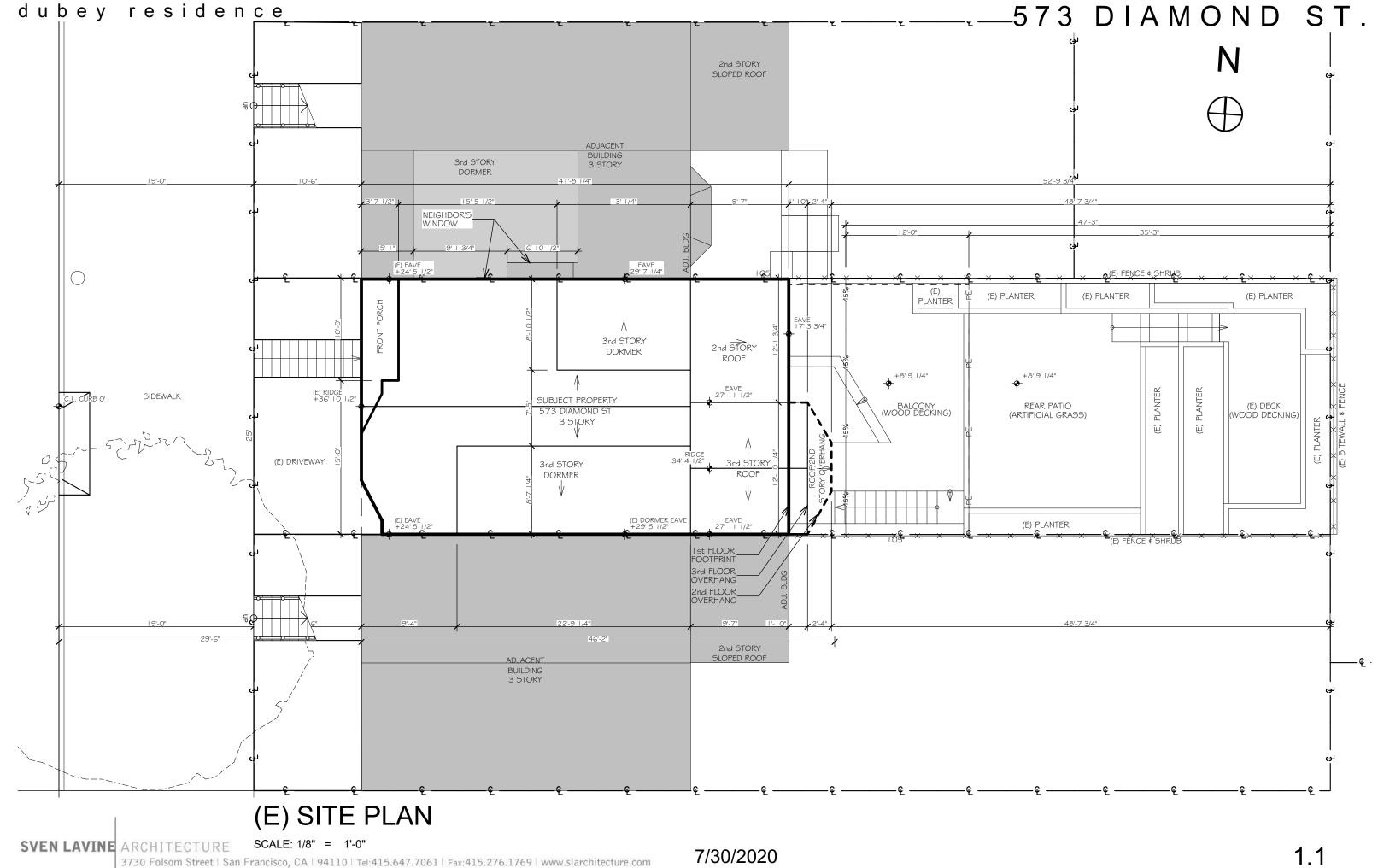
Project Address: 573 Diamond St. San Francisco, CA

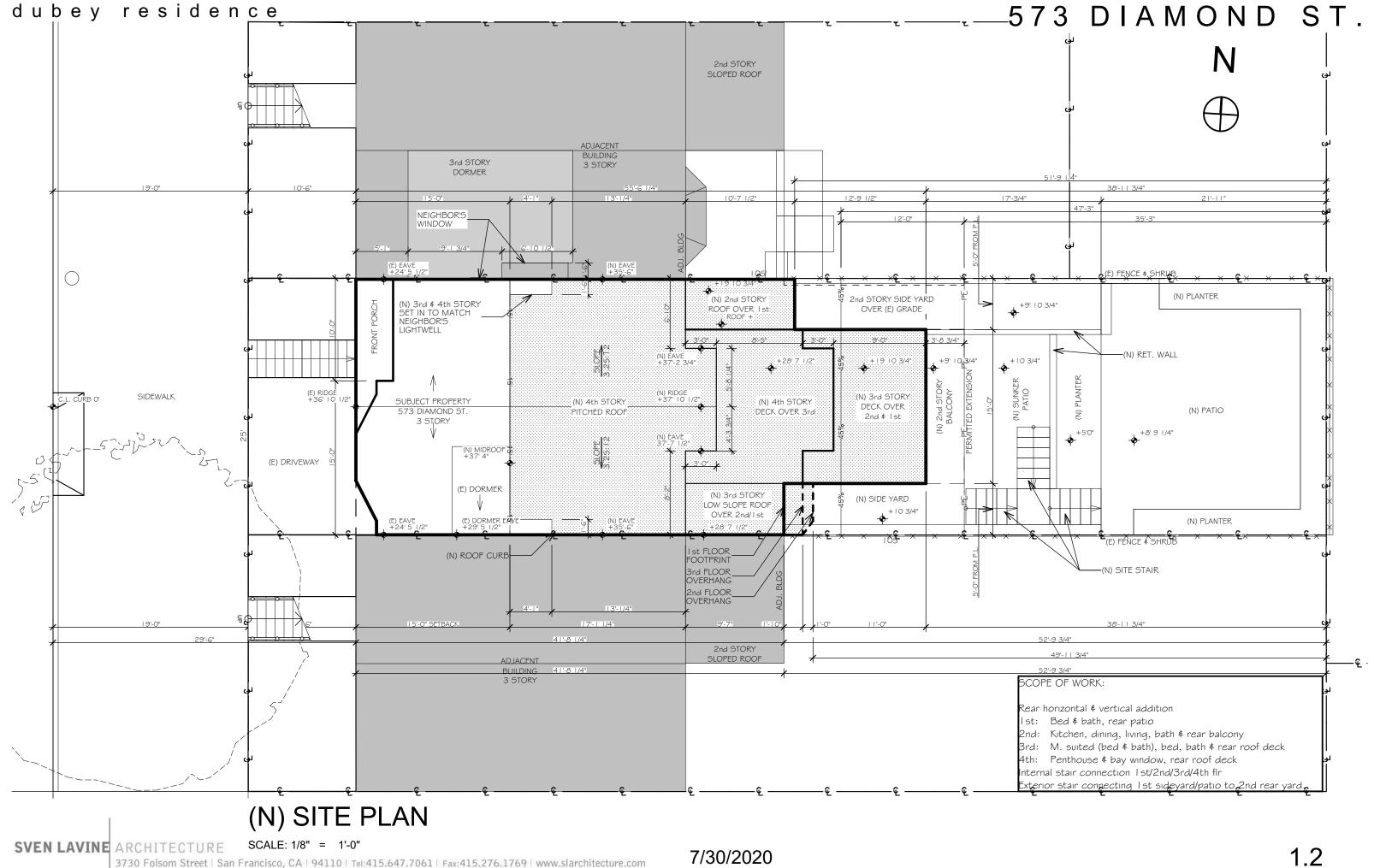
Subject: Homeowner statement (2018-009883DRP)

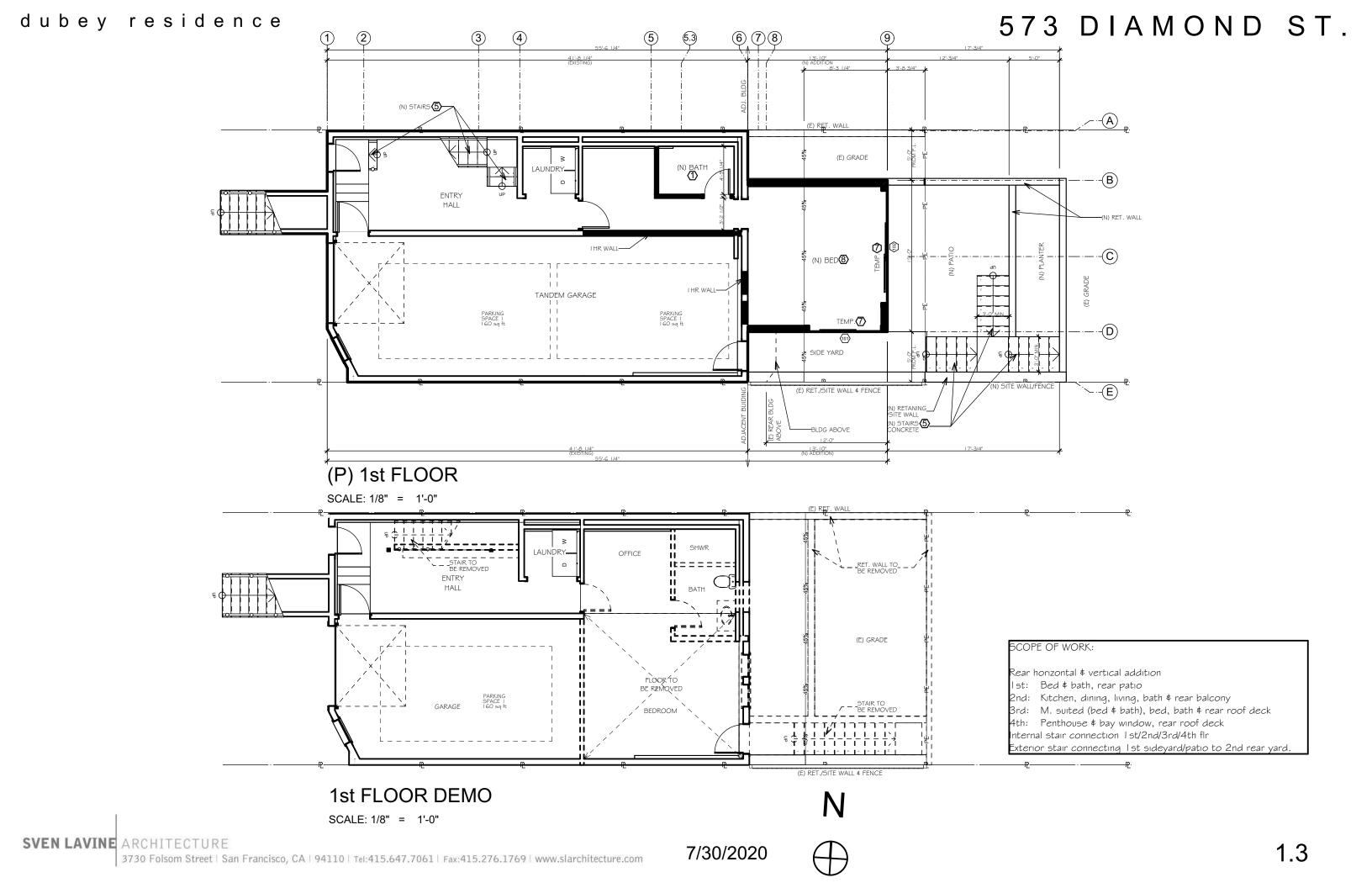
Thank you for the opportunity to present our case. We (Anu & Abhijit Dubey) are the owners and until very recently, the residents of 573 Diamond Street. We have two young children who were born and raised in this home. We moved out since we needed additional space to account for our changing family needs and would like to eventually move back into the home after the renovation. We have lived in the home since 2007 and have had the same email address and cell phone number for all of these years. The DR Requestor (Tim Pryor - 569 Diamond Street) stated in his application that they do not have contact information for us. Mr. Pryor and us have communicated numerous times over the past 13 years via email. Given this, we are not sure as to why Mr. Pryor would state that he has no contact information for us. Our architect, Sven Lavine, has also provided his contact information to Tim Pryor. If needed, we are happy to provide a communications log to the Commission that would corroborate our statement.

Sincerely,

Anu Vege Dubey







# 573 DIAMOND ST.

SCOPE OF WORK:

rear roof deck

nternal stair connection

Exterior stair connecting 1st sideyard/patio to 2nd rear yard.

st/2nd/3rd/4th flr

balcony

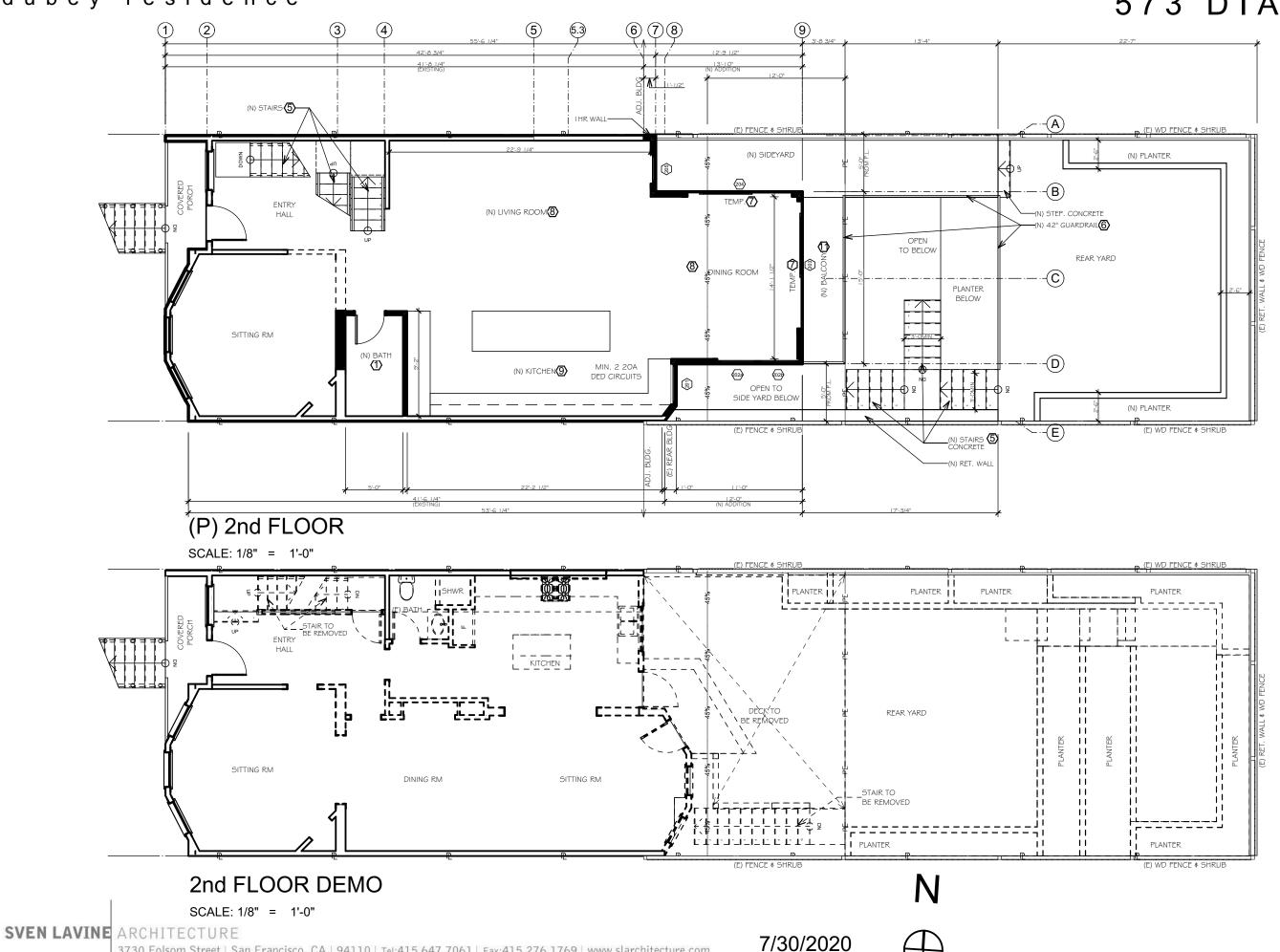
roof deck

Rear horizontal & vertical addition st: Bed \$ bath, rear patio

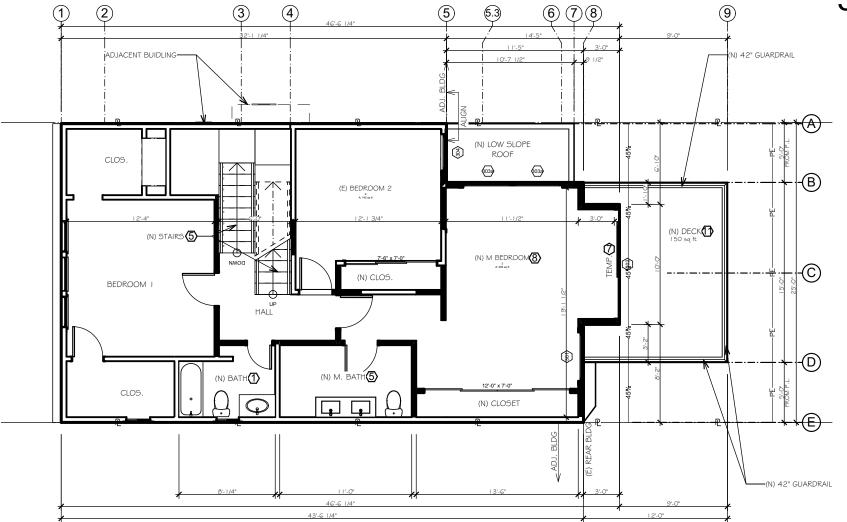
2nd: Kitchen, dining, living, bath & rear

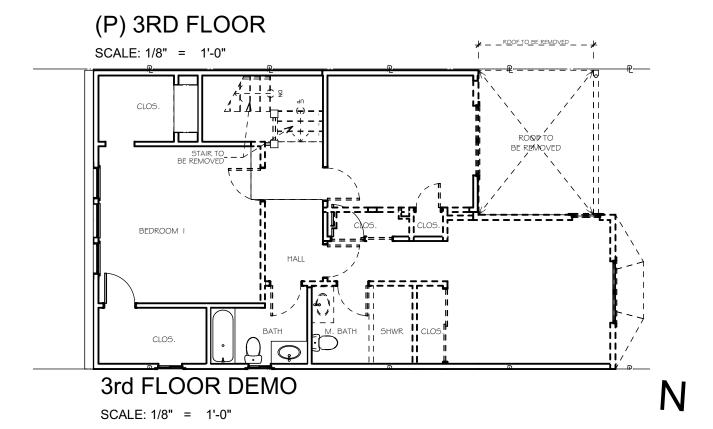
3rd: M. suited (bed \$ bath), bed, bath

4th: Penthouse & bay window, rear



3730 Folsom Street | San Francisco, CA | 94110 | Tel:415.647.7061 | Fax:415.276.1769 | www.slarchitecture.com





### SCOPE OF WORK:

Rear horizontal \$ vertical addition

1st: Bed \$ bath, rear patio

2nd: Kitchen, dining, living, bath & rear balcony

3rd: M. suited (bed \$ bath), bed, bath \$ rear roof deck

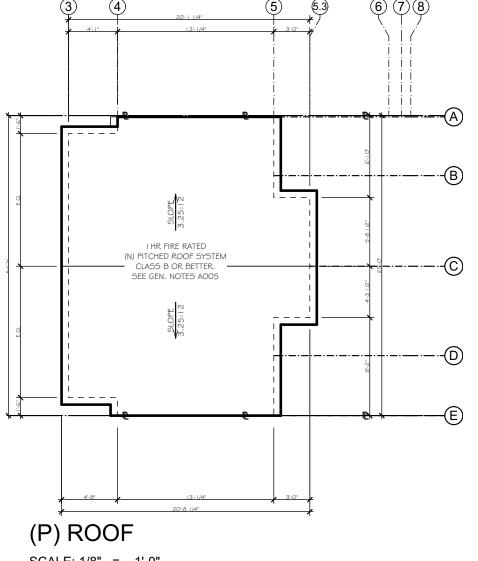
4th: Penthouse \$ bay window, rear roof deck Internal stair connection | st/2nd/3rd/4th flr

Exterior stair connecting 1st sideyard/patio to 2nd rear yard.

dubey residence SET IN TO MATCH NEIGHBOR'S LIGHTWELL NEIGHBOR'S WINDOW-N) THR WALL T" MIN. FROM P.L. ADJACENT BUIDLING-(N) LOW SLOPE ROOF PENTHOUSE (8) (N) ROOF(1) DECK 171 sq ft (E) DORMER (02b) (N) 1 HR WALL 1" MIN. FROM P.L. (N) 45 MIN. FIRE RATED WINDOWS (N) ROOF CURE (P) 4TH FLOOR SCALE: 1/8" = 1'-0" L \_ \_ \_ ROOF TO BE REMOVED \_ \_ \_ L \_ \_ ROOF TO BE REMOVED \_ \_ L

SLOPE

# 573 DIAMOND ST.



SCALE: 1/8" = 1'-0"

SCOPE OF WORK:

Rear horizontal & vertical addition

1st: Bed \$ bath, rear patio

2nd: Kitchen, dining, living, bath & rear balcony

3rd: M. suited (bed \$ bath), bed, bath \$ rear roof deck

4th: Penthouse & bay window, rear roof deck Internal stair connection 1st/2nd/3rd/4th flr

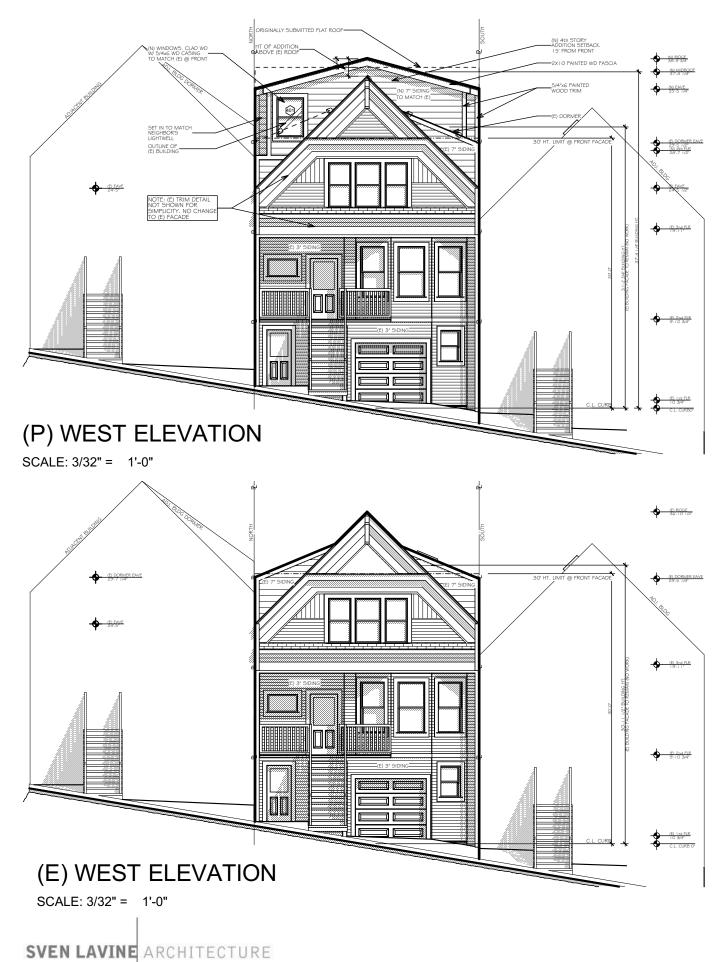
Exterior stair connecting 1st sideyard/patio to 2nd rear yard.

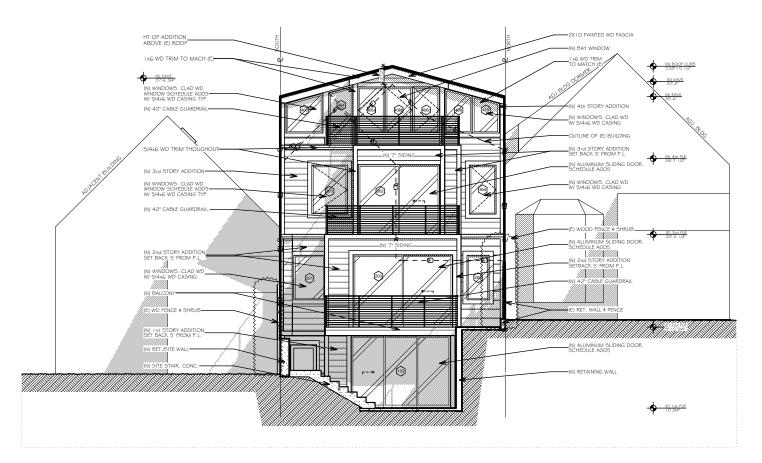


ROOF DEMO (4TH FLOOR)

## dubey residence

# 573 DIAMOND ST.



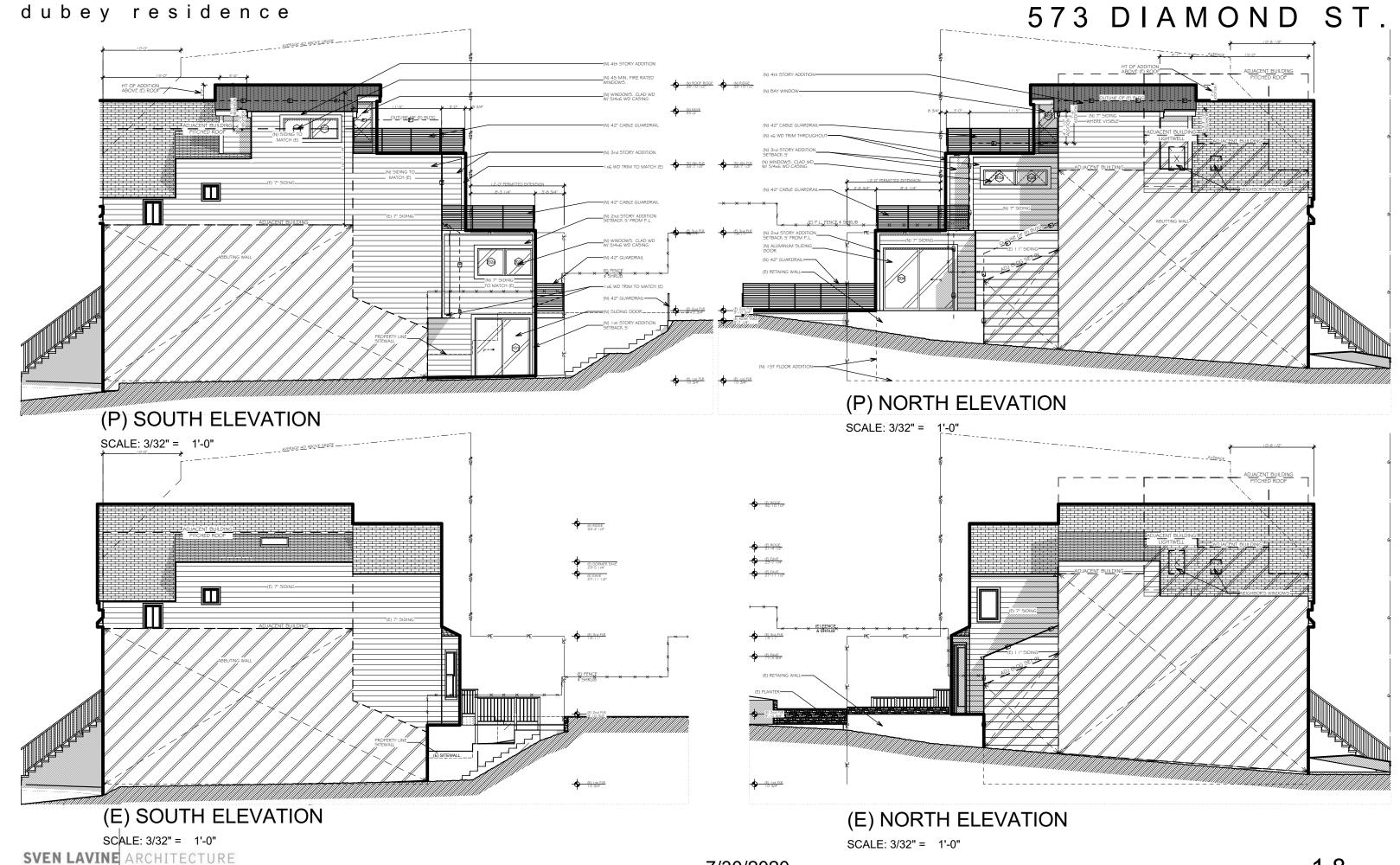


# (P) EAST ELEVATION

SCALE: 3/32" = 1'-0"



(E) EAST ELEVATION 7/30/2029<sub>ALE: 3/32" = 1'-0"</sub>



7/30/2020





(E) ACROSS ST VIEW 1

SVEN LAVINE ARCHITECTURE



# (P) ACROSS ST VIEW 2



(E) ACROSS ST VIEW 2



(P) ACROSS ST VIEW 2

-SUBJECT BUILDING



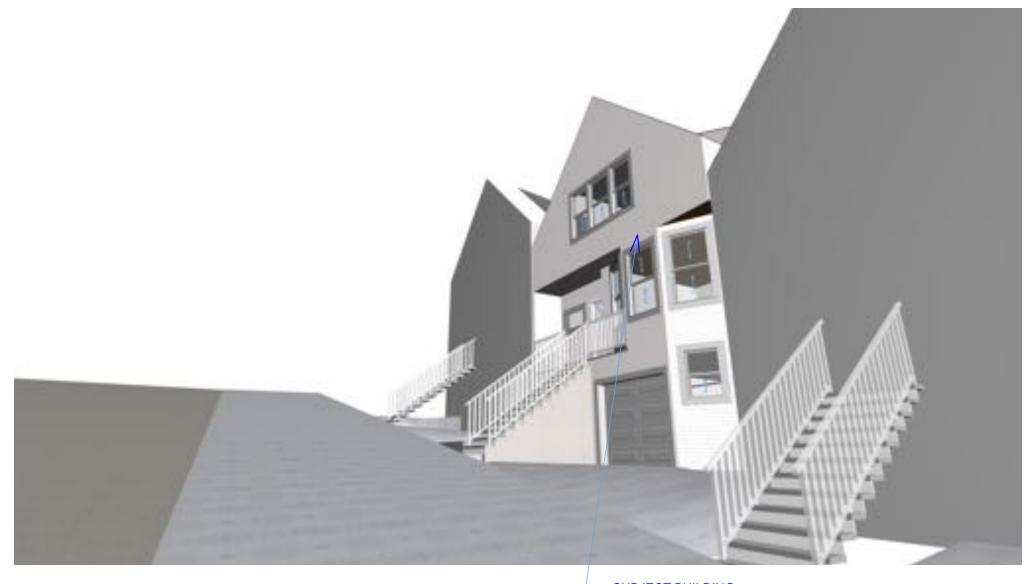
(E) ACROSS ST VIEW 3

—SUBJECT BUILDING



(P) ACROSS ST VIEW 3 W/ (E) ST TREE

SUBJECT BUILDING



(E) FRONT 1

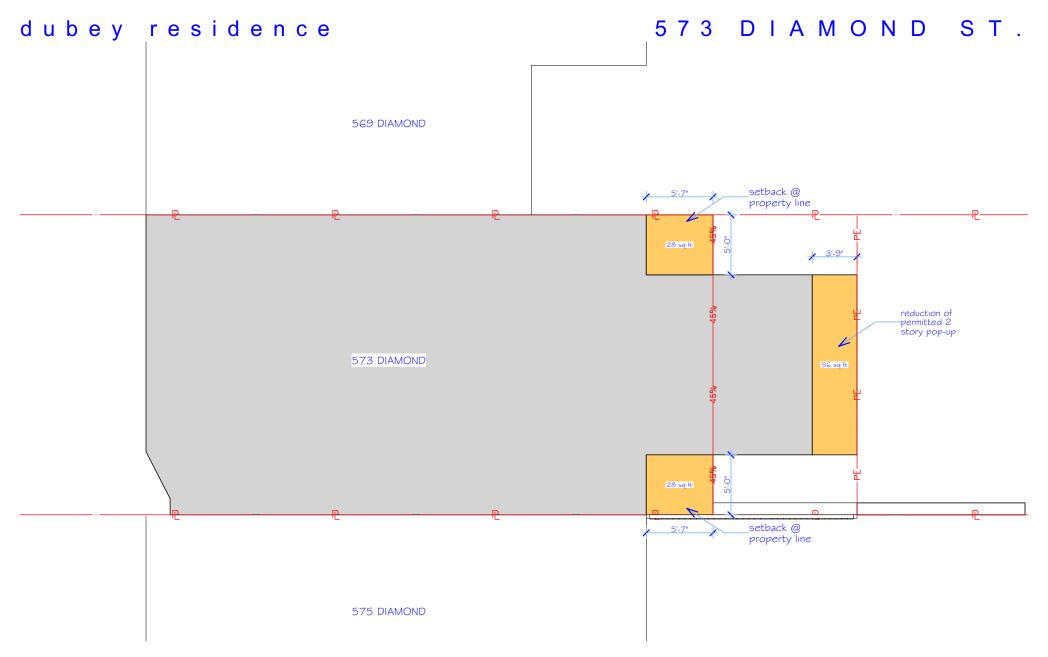
—SUBJECT BUILDING



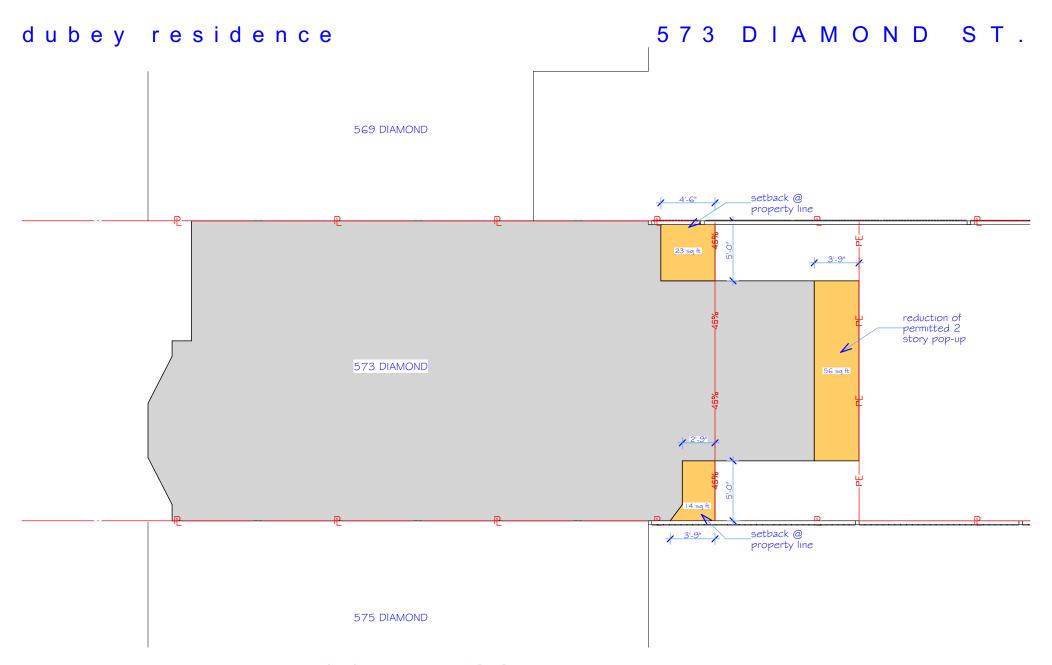


(E)& (P) FRONT 2

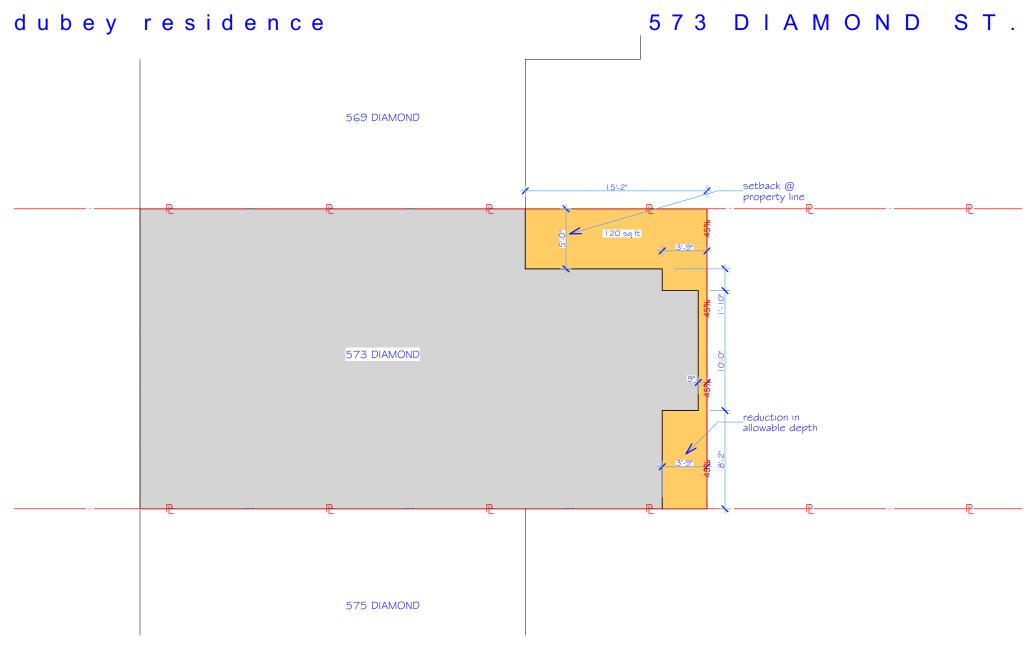
-SUBJECT BUILDING



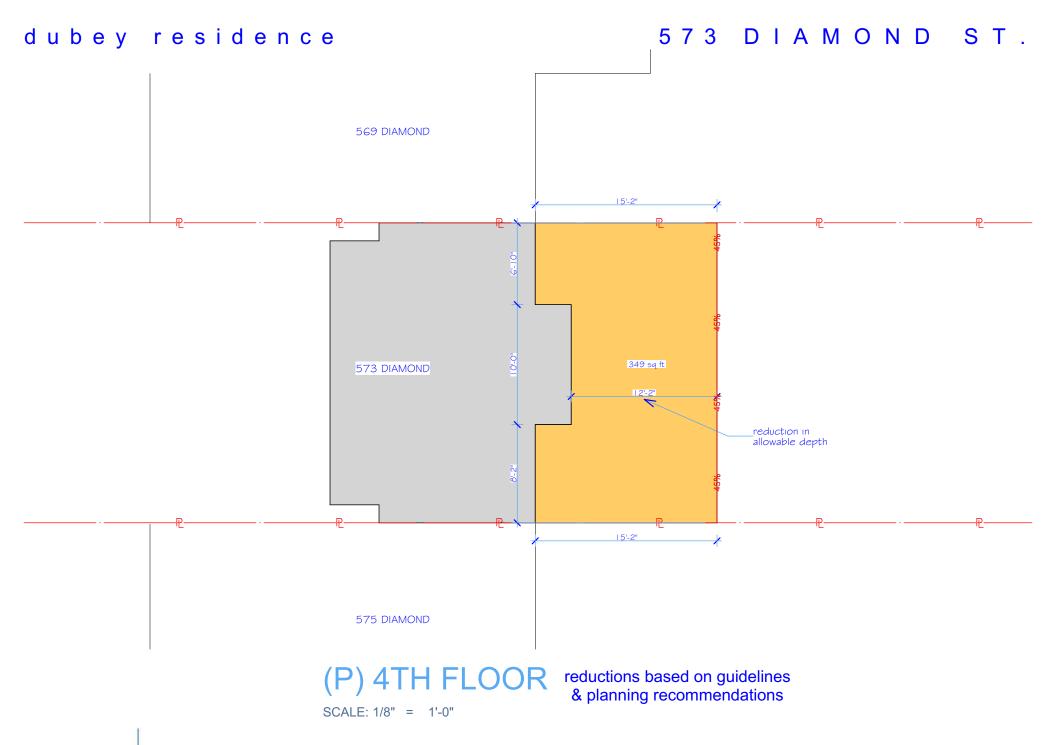
(P) 1st FLOOR reductions based on guidelines & planning recommendations

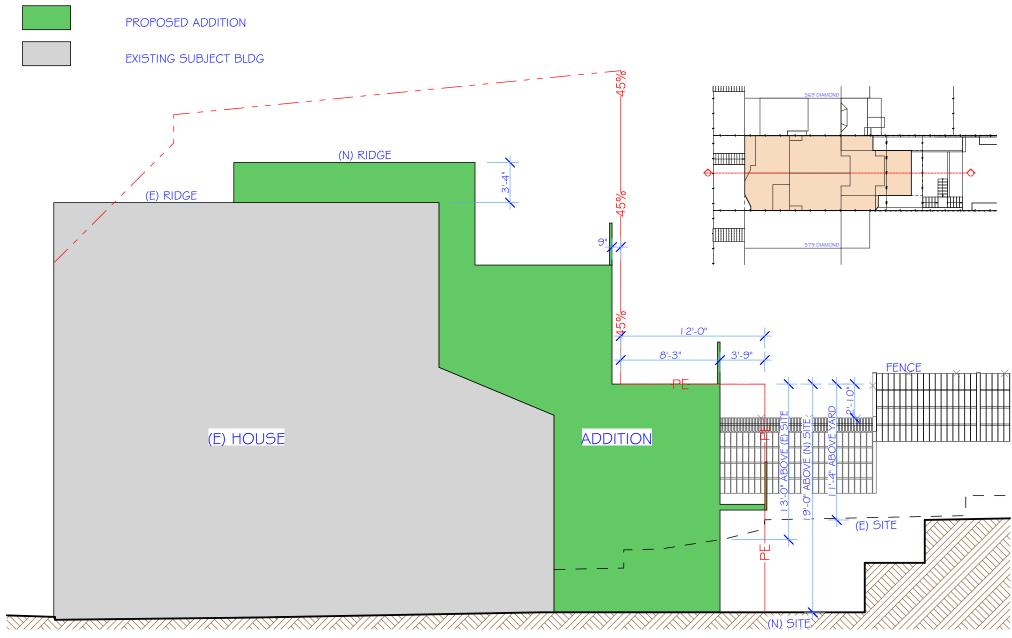


(P) 2nd FLOOR reductions based on guidelines & planning recommendations

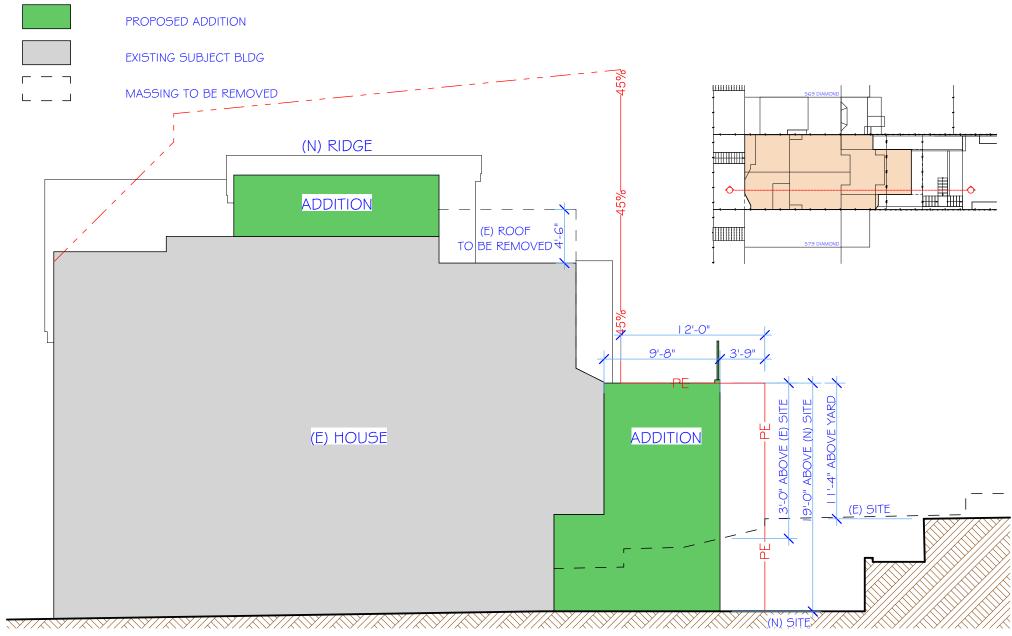


(P) 3RD FLOOR reductions based on guidelines & planning recommendations





### **SECTION**



SECTION (1)

SVEN LAVINE ARCHITECTURE



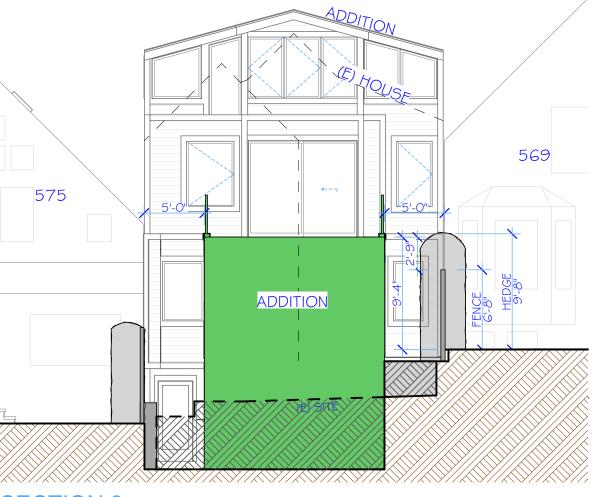
PROPOSED ADDITION

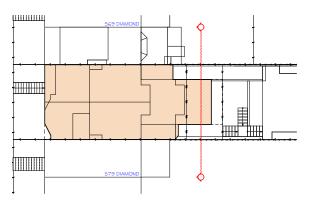


EXISTING SUBJECT BLDG



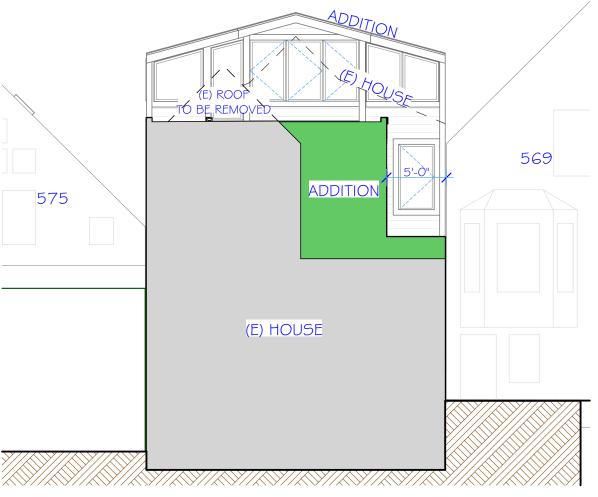
MASSING TO BE REMOVED

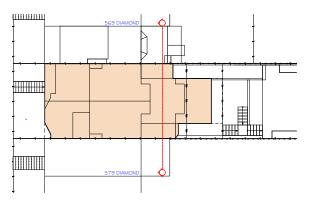




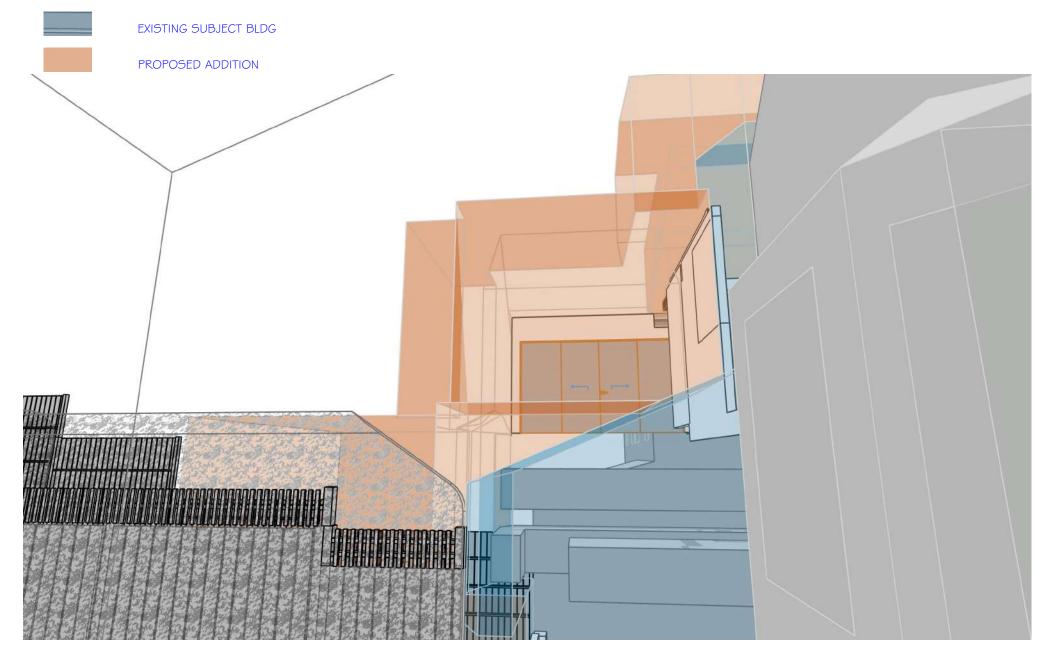
**SECTION 3** 







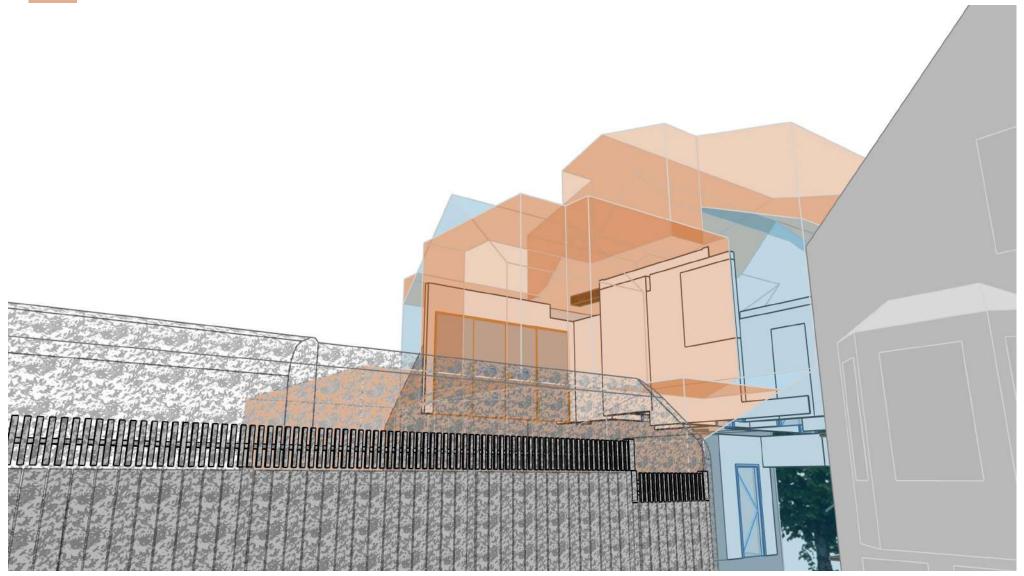
**SECTION** 



From 569 sun room



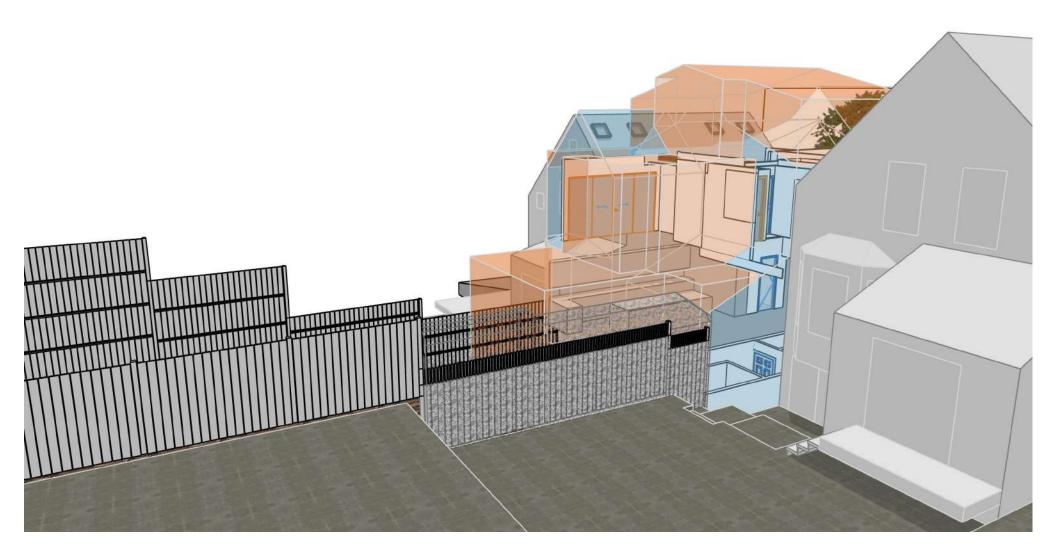




From 569 back yard



PROPOSED ADDITION

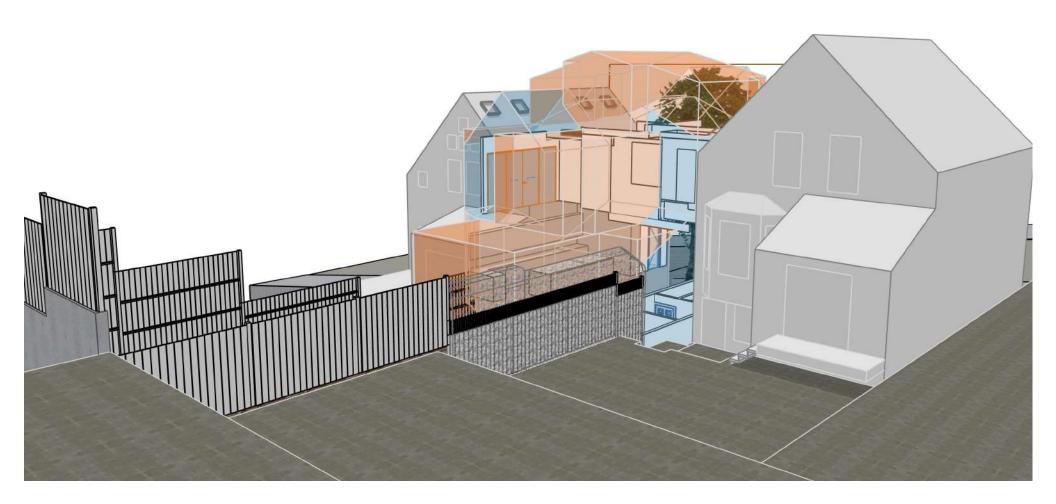


From 681 Alvarado

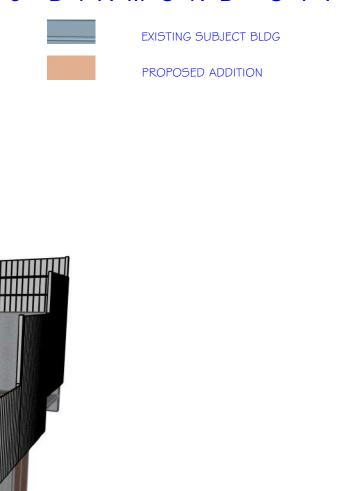




PROPOSED ADDITION



From 683 Alvarado

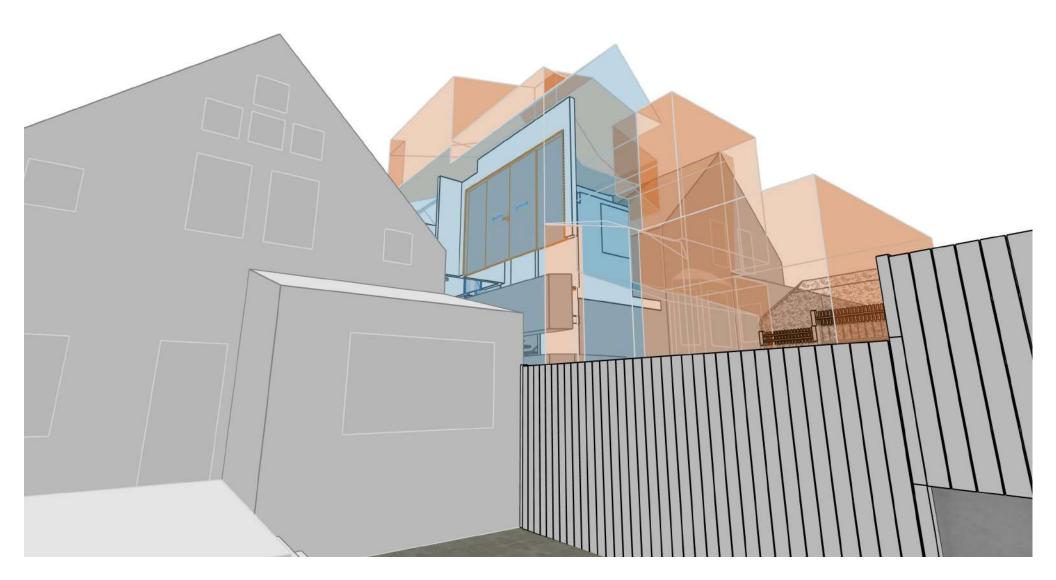








PROPOSED ADDITION



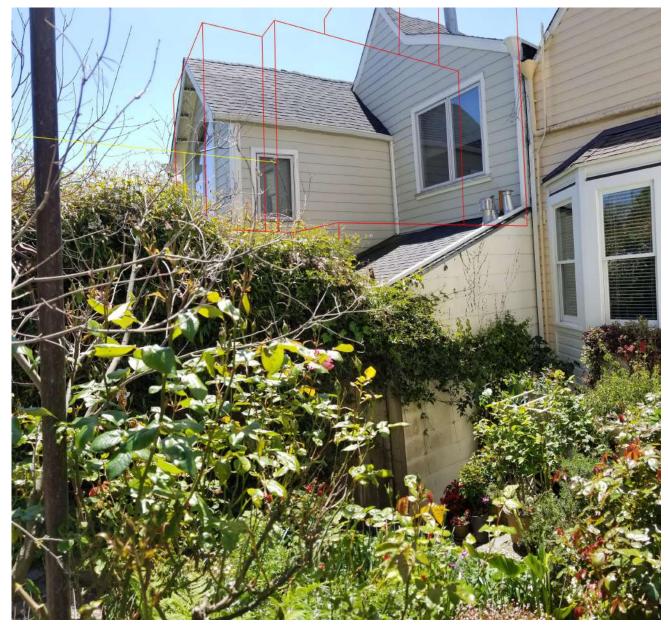
From 575 back yard



569-yard-Southwest



569-yard-)-South



569-yard-Southwest



REAR YARD LOOKING WEST



**REAR YARD LOOKING NORTHWEST 569** 



**REAR YARD LOOKING SOUTHWEST 575**